

FREQUENTLY ASKED QUESTIONS

The Kentucky Board of Licensure for Massage Therapists (KBLMT) has compiled a list of frequently asked questions to assist you in finding answers quickly.

The questions have been categorized for easier reference. Find the category that relates to your question and click to go the questions related to that subject.

The final authority is, of course the statutes and regulations that regulation the practice of massage therapy in Kentucky.

General Questions related to Licensure for Massage Therapists

Information related to Licensure Qualification

General Application Procedures

Questions related to the Initial License Process

Questions about License via Endorsement

Questions about the Renewal Procedures

Questions about the Audited License

Questions about the Expiring License

License Discipline and Denial

Questions related to Inactive License Status

Complaints Against People Practicing Massage Without A License

Complaints against Licensed Massage Therapists

Information related to the Open Meetings Act

Where can I address additional questions?

GENERAL QUESTIONS

Q. Where can I find Kentucky's Laws regarding Massage Therapy?

A: The most up-to-date and accurate copy of the Kentucky Massage Therapy statutes and administrative regulations are found on the website <http://bmt.ky.gov> under the Resources drop-down menu.

Q: What is the difference between a statute and a regulation?

A: A statute is a law enacted by the legislature. The statute determines the law and the regulation explains how the law is to be implemented.

Q. What do the letters KRS or KAR stand for?

A: KRS stands for Kentucky Revised Statutes and KAR means Kentucky Administrative Regulations. Massage Therapy in Kentucky is governed by statutes KRS 309.350 to 309.364. Massage Therapy statutes are administered by regulations 201 KAR 42:010 to 201KAR 42:110.

Q: Can I get a complete copy of the laws and regulations?

A: There is an unofficial booklet version that you can print, but the official version is on the website under resources and must be printed one section at a time.

Q. What does it cost to be licensed in Kentucky? (fee schedule)

FEE SCHEDULE FOR YEAR ENDING DECEMBER 31 2011

Licensing Fees (KRS 309.357) Non-Refundable	
Initial Licensure Fee	\$125.00
License via Endorsement	\$125.00
Renewal Fees (201KAR 42:020)	
Biennial Renewal Fee (on or before renewal date)	\$100.00
Late Renewal Fee (after renewal date up to 60 days)	\$150.00
Late Renewal Fee (61-90 days after expiration)	\$200.00
Late Renewal Fee (after 90 days with New Application for Licensure)	\$200.00
Active to Inactive Status Fee (must have active license)	\$ 35.00
Renewal of Inactive Status Fee	\$ 35.00
Late Renewal Fee for Inactive Status (up to 60 days)	\$ 52.50
Late Renewal Fee for Inactive Status (61-90 days)	\$ 70.00
Inactive to Active Status (shall not be prorated)	\$50.00
Other Fees	
Verification of Licensure from another state	\$15.00
Duplicate Wall Certificate	\$15.00
CD List of Active Licensees	\$15.00

Q. What is the definition of “massage therapy”?

A: Our law defines the practice of massage therapy as “the application, by a massage therapist licensed by the board, of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client. The practice includes the external application of water, heat, cold, lubricants, salt scrubs, or other topical preparations; use of electromechanical devices that mimic or enhance the actions of the hands; and determination of whether massage therapy is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate.” KRS 309.350 (7)

An important distinction is that you are licensed to perform massage therapy on the human body only. Animals are excluded from our law.

Q. Who can legally practice massage in Kentucky?

A: You must hold a current license issued by the Commonwealth of Kentucky to practice massage therapy in Kentucky.

There are exemptions for practitioners of the following occupations and professions which are regulated by state law, while engaging in the practices for which they are duly licensed and while not holding themselves out to be massage therapists:

- A: Physicians, osteopaths, podiatrists, and athletic trainers regulated under KRS Chapter 311;
- b. Chiropractors regulated under KRS Chapter 312;
- c. Registered nurses and practical nurses regulated under KRS Chapter 314;
- d. Barbers, cosmetologists, and estheticians regulated under KRS Chapters 317, 317A, and 317B respectively;
- e. Occupational therapists regulated under KRS Chapter 319A; and
- f. Physical therapists regulated under KRS Chapter 327. KRS 309.350(5),

Q: Under what circumstances may massage therapists licensed in another state practice in Kentucky?

A: Credentialed therapists who are in Kentucky as part of an emergency response team, charity event, athletic event, or artistic performance are exempt. Therapists teaching a course or consulting with a licensed massage therapist in Kentucky are also exempt.

Q. Who may advertise massage therapy services?

A: Only licensed massage therapist may advertise. “No person or business entity is allowed to advertise “massage therapy” unless the massage is being performed by a licensed massage therapist” KRS 309.353(3).

Q. How long does the licensing process take?

A: The licensing process takes a minimum of one month and may take longer. It is necessary to have the application reviewed by the Applications Committee and approved by the full Board. If the

application is not received in time to be placed on the agenda, it will be delayed an extra month. Other reasons for delays include lack of transcripts or test results, an improperly completed form, and failure to sign, notarize or include fee payment. You should plan to renew 60 days early to allow for any scheduling or processing glitches that might delay your application's approval.

Q: What happens to my application when it is received?

A: The application first goes to the Division's Fiscal Section where the payment is received and posted. Then it is sent to the Board Administrator who reviews the application documents and prepares the file, combining any documents that might have been sent separately. A status letter is sent to the applicant notifying them of the completeness of the file. At the next Applications Committee meeting, the application is reviewed to ensure Kentucky's requirements are met and recommendation made for approval, deferral or denial. The committee then reports its findings at the next full licensure board meeting and the board votes on the committee's recommendations. Following the Board meeting, approved licenses are posted on the website. Plan to allow at least one month for the approval process.

Q: Will application information and/or the status of an application be given to a 3rd party?

A: No. Information and/or status can only be released to the applicant.

LICENSURE QUALIFICATIONS

Q: What are the required qualifications for licensure in Kentucky?

A: A license may be granted to an individual by an initial application or by license via Endorsement. The general requirements for securing a license are that the applicant:

- A: Is eighteen (18) years of age or older;
- b. Has paid the application fee and other fees required by the Board;
- c. Is a person of good moral character;
- d. Has successfully completed a course of study consisting of a minimum of six hundred (600) hours of supervised instruction in a massage therapy training program approved by the Board; and
- e. Has successfully passed an examination approved by the Board such as the National Examination for State License (NESL) or the Massage and Bodywork Licensing Exam (MBLEX). 201 KAR 42:035, Sec. 3 (3).

Q. What is the process for becoming licensed in Kentucky?

A: Once the application is received in Frankfort, it goes to the Finance Section where the fee is processed. After that the application is sent to the Board Administrator for preparation of the file. The documents are then reviewed for completeness and any documents received separately are attached. The applicant is notified of the status at this time. At the next Applications Committee meeting, the application is reviewed to ensure Kentucky's requirements are met and recommendation made for approval, deferral or denial. The committee then reports its findings at the next full licensure Board meeting and the Board votes on the committee's recommendations. Following the Board meeting, approved licenses are posted on the website. Plan to allow at least one month for the approval process.

Q: Does the Board accept applications from those who have passed the MBLEX or NESL and submitted a transcript for 600 hours but have not completed the school's 750/800 hour program?

A: No. You must successfully complete a course of study and if the course of study involves additional hours above the 600 hours required for licensure, you must still complete the course of study. KRS 309.358(4)

Q. I am licensed in another state. Can I transfer my license to Kentucky?

A: It is possible to obtain a Kentucky license through License via Endorsement, a method of application for a massage therapist who is currently licensed in another state and wants to obtain a license to practice in Kentucky. For more answers regarding an application via endorsement, see Licensure via Endorsement.

Q: What are the curriculum requirements for a Kentucky massage therapy school?

A: Kentucky law requires a minimum of 600 clock hours in the initial massage therapy education program. This includes a minimum of:

One hundred twenty-five (125) hours of anatomy, physiology, or kinesiology;

A two hundred (200) hour course to include massage theory, technique, and practice focusing on gliding strokes, kneading, direct pressure, deep friction, joint movement, superficial warming techniques, percussion, compression, vibration, jostling, shaking, and rocking;

Two hundred (200) hours of approach to the business of massage, specifically including contraindications, benefits, business, history, ethics, client documentation, legalities of massage, and modality courses designed to meet the school's specific program objectives;

Forty (40) hours of pathology; and

The school may use its discretion in allotting the additional thirty-five (35) curricular hours that are required under KRS 309.358.

Q: What are the requirements for instructional staff in Kentucky's massage therapy schools?

A: Instructors of the practical courses shall be licensed massage therapists and shall have three (3) years of experience in the practice of massage therapy.

Instructors of science courses shall be either licensed massage therapists with three (3) years of experience in the practice of massage therapy or have certification or specific higher education in the subject they are teaching. Instructors in adjunctive courses shall have subject-specific education and experience. KRS 309.363

Q: How can I find a massage therapy school in Kentucky?

A: You can find a listing of Approved Schools on our website <http://bmt.ky.gov>. On the Yellow Navigation ribbon at the top of the Home page, select Resources, then select Approved Schools.

According to KRS 309.363, the school must be licensed to operate by the Kentucky State Board for Proprietary Education, or the Council on Postsecondary Education, or their equivalent in another state.

Q: How can I make my license application process flow smoothly?

A: You can help to ensure a smooth process if you give attention to details.

- a. Please make sure the form is completely filled out, signed, dated, and notarized.
- b. Write or type legibly. This is an official document, please make it legible and do not have other material on the back of the pages.
- c. Remember to include your fee with your application.
- d. If you have a felony/misdemeanor conviction, court documents that show the disposition of your case must be attached.
- e. If you mail an official transcript from your school it should be in a sealed envelope. If you open the envelope it is no longer an official copy so don't peek. You can also ask you school to mail your transcript directly to the licensing Board.

- f. Some colleges and schools show your course completion in credit hours rather than the clock or contact hours required by the KBLMT. If your school transcript does not show a conversion from credit hours to contact or clock hours, ask them to provide that information for you. Your application cannot be considered until that information is provided. Schools, other than approved Kentucky schools, must send in transcripts with CLOCK HOURS and a description of the course content where the courses contain multiple subjects within the course.
- g. Be sure to include evidence that you passed your qualifying exam (ex. NCBTMB, NESL or MBLEx)
- h. Respond quickly to letters sent by the Board.

Q: My payment has been cashed. Does that mean that I am licensed?

A: No. When your application is received in Frankfort, your application goes to the Fiscal Section first, where your payment is removed and posted. This happens before the Board Administrator even sees your application. Should your application be denied, your money will be refunded.

Q: What do I receive from the Board to verify that I am licensed?

A: Upon initial licensing, a licensee shall be furnished with a letter of acceptance and wall certificate to be displayed at the primary massage therapy service location. Official verification is posted on the website, <http://bmt.ky.gov>.

Upon each subsequent renewal, official verification of licensure status shall be available on the Board's website, <http://bmt.ky.gov>. You can find it under "online license verification" 5-7 days following approval by the board.

Effective June 2, 2012 the issuance of wallet cards was discontinued. If you want to present proof of licensure you can print out your license verification information from the website.

Q: How do I verify that I am licensed or that my license is current?

A: You can verify your license by going to <http://bmt.ky.gov>. On the Home page you will see a Quick Link to on-line verification. Click that link, and then follow the directions.

INITIAL LICENSE PROCESS

Q: How do I apply for an initial license?

A: Applications for an initial license can be found on the website by going to <http://bmt.ky.gov>. Select “resources” from the yellow navigation ribbon at the top of the page, then select Applications and Forms. From the form library, select and print the Application for Licensure as a Massage Therapist. Follow the directions on the form.

Q: What documentation is required for an initial license?

A: Before your license will be issued by the Board, you must submit the following documentation:

1. Application form, completed and notarized.
2. Transcripts from your school/college or certificate showing completion of at least 600 classroom hours, itemizing compliance with the clock hour requirements in KRS 309.363(1)(b).
3. Proof that you have passed an examination approved by the Board.
4. If you have been convicted of a felony, you must submit documentation indicating the disposition of the case.

Q: I already have copies of my test results and my transcript. Can I just send those with my application to save time?

A: Normally the testing agency and the school from which you graduated must send the documents directly to the licensure Board. There is an exception. If the document that you have in your possession is in a sealed envelope with the school’s letterhead, you may forward it with your application.

Q: I didn’t attend school in Kentucky. Can I still get a license?

A: Yes, you may apply for a license if you meet Kentucky’s standards for licensure outlined in KRS 309.358.

Q: I have been practicing massage in a state that does not have licensure; can I get a Kentucky License?

A: Yes, you may apply for a license if you meet Kentucky’s standards for licensure outlined in KRS 309.358.

Q: Does the Board accept licensure applications from students graduating from a school that does not hold a Certificate of Good Standing?

A: This would be determined on a case-by-case basis. KRS 309.363(1)

Q: What is a Certificate of Good Standing?

A: A Certificate of Good Standing is a document issued by the Kentucky Board of Licensure for Massage Therapists to a massage therapy training program showing that it meets the curriculum, instructor qualifications, and guidelines established by KRS 309.363.

Q: What happens if your school closes and you need documentation?

A: Contact the Proprietary Education Board or the Counsel on Post-Secondary Education or equivalent in the jurisdiction where you attended school.

LICENSE VIA ENDORSEMENT

Q: What is license via endorsement?

A: License by Endorsement is a method for obtaining a license to practice in Kentucky when a massage therapist is currently licensed, certified, or registered in another state.

Q: How do I apply for a license via endorsement?

A: The application for license via endorsement can be found on the website by going to <http://bmt.ky.gov>. From the Resources menu on the Home page select “Applications & Forms.” From the Form Library on that page, select the form for “Application for Licensure as a Massage Therapist” form.

Q: What documentation is required for a license via endorsement?

A: If you are licensed in a state that has equal or greater standards you can apply by submitting the following.

- A completed “Application for Licensure as a Massage Therapist” form, signed and notarized.
- A certified statement from your current credentialing body showing that you are in good standing sent directly from the credentialing body to the KBLMT.
- The *non-refundable* Application Fee of \$125.00..

If you are licensed in a state whose standards are less stringent than Kentucky standards, you should submit the following:

- A completed “Application for Licensure as a Massage Therapist” form, signed and notarized.
- A List of each massage school attended and official transcripts sent directly from the school.
- Licensing/certifying exam results sent directly to the board from the agency who administers the exam. NOTE: Copies sent by you may be considered “unofficial.”
- A certified statement from your current credentialing body sent directly to the KBLMT showing that you are in good standing.
- Other documents that show of evidence your training and experience. Possible documents include:
 - Copies of CE transcripts or certificates not included in initial training
 - Certified transcript of healthcare related academic coursework
 - Proof of teaching massage-relevant coursework
 - Research
 - Clinical internships
 - Publications
 - Massage therapy leadership positions
 - Evidence of hands-on therapeutic massage or bodywork sessions, such as Log or Appointment books and/or Employer verification of experience

- **NOTE:** Hands-on experience must equal at least 4 years in lieu of other evidence.
- The *non-refundable* Application Fee of \$125.00.
- If you have been convicted of a felony, you must submit documentation indicating the disposition of the case. You may refer to 201 KAR 42:070 Endorsement regulations for more details.

RENEWAL PROCEDURES

Q: When do I have to renew my Kentucky license?

A: Licenses are required to be renewed biennially from your initial date of licensure. The date you are licensed will always be your anniversary date and will not change, even if you renew early, renew late or go inactive.

Q: How do I know when my license expires?

A: Approximately 6 weeks before your renewal date you will be mailed a renewal form from the KBLMT. If you do not receive it you should:

A: Make sure KBLMT has your current mailing address (you are obligated by law to notify them within 30 days of any name or address change)

b. Keep in mind that your address could be wrong because of clerical errors. Be proactive and follow up.

c. You can verify your current license status and date of licensure expiration by visiting <http://bmt.ky.gov>. Click on Licensure Verification, select the Kentucky Board of Licensure for Massage Therapy, enter your name then click search. The expiration date and licensure status will appear at the bottom of the screen.

d. Check your license status online for accuracy and report any erroneous postings.

Q: What are the methods for renewing my license?

A: There are two methods for renewal: online or through the mail.

NOTE: At this time, audited renewals, inactive renewals, late renewals, and renewals that use carryover hours cannot be processed online.

ONLINE RENEWAL: To renew online, Go to the website at <http://bmt.ky.gov> and on the Home page, select "Online Services." From the drop-down menu, select Online License Renewal and complete the Application for Renewal. You may pay the renewal fee online using your credit card, debit card, or electronic check.

MAILED RENEWAL: To renew through the mail, print a copy of the "Application for Renewal" form found on the KBLMT website at <http://bmt.ky.gov>. On the Home page, select "Resources", and from the drop-down menu, select "Applications and Forms". On that page, select "Application for Renewal". You can print out the document and complete it manually. Send the completed application to the Board office along with the \$100 renewal fee.

Mail your application to the correct address.

USPS, certified, return receipt requested, mail to:	Overnight & Special Mailing such as UPS, FedEx, etc.
KBLMT Division of Occupations and Professions P.O. Box 1360 Frankfort, KY 40602	KBLMT Division of Occupations and Professions 911 Leawood Dr. Frankfort, KY 40602

On either renewal application method you must document twenty-four (24) hours of continuing education achieved credit, earned since your last renewal date. You must clearly identify at least three (3) of the 24 in ethics, required by statute. Inactive license applications are exempt from this requirement.

Q: Is it better to renew online?

A: Yes, if you have a simple renewal, online renewal is encouraged. Online renewal allows you to pay with a credit card, debit card or electronic check and renewal applications will arrive immediately without the delay for postal delivery. **NOTE:** Audits, renewal applications that use carryover hours, inactive status renewals and late renewals must be mailed at this time; the online computer system cannot accept these.

Q: What are the continuing education (CE) requirements for renewal?

A: Regardless of the renewal application method, you must document the achievement of twenty-four (24) hours of continuing education credit. Statute requires at least three (3) of the 24 hours must be completed in ethics. Inactive license applications are exempt from this requirement.

Q: How do I use “carry over” hours?

A: You are permitted to “carry over” up to twelve (12) CE hours of continuing education into the next renewal period. There is one exception: you cannot split the hours earned in a single class between two renewal periods.

Example 1: If you took a 30 CE hour class, you cannot apply some of the hours in this renewal period and the remaining the next.

Example 2: If you had already fulfilled your 24 CE hour requirement with other classes, and you still have an entire extra 30 hour class you have not used, you can apply 12 hours of that extra class toward the next renewal period.

If you are carrying over hours earned in the previous renewal period, do the following.

- Clearly identify “Carry over” courses, totaling no more than 12 hours.
- Enter name of the course, the actual dates that the class was taken, and the number of hours carried over.
- Attach an additional page if needed.
- Total the number of hours taken.
- It is unnecessary to send copies of the certificates, unless you are audited.
- If you are using carry over hours remember, you must submit your renewal by mail.

THE AUDITED LICENSE

Q: Why is my renewal form stamped “AUDIT”?

A: Individuals are chosen at random by the Board’s database system to determine if licensees are meeting the requirements of KRS 309.350 to 309.364 and they are sent a renewal notice stamped “AUDIT.”

Q What will I need to do if I am being audited?

A: Your renewal process is the same, EXCEPT for the following:

1. If your renewal form is stamped “AUDIT”, your application for renewal must be mailed.
2. You must submit proof of completion for each course you document in the continuing education section of the renewal form. Send copies only and keep originals in your file.
3. You have thirty (30) days to respond to the Audit notification.

Q: Can I use online renewal if I am being audited?

A: No. It will be necessary to mail your application because you must submit CE documentation.

EXPIRING LICENSE QUESTIONS

Q: I just realized my license will expire soon. I completed my renewal application and paid my fee online so can I continue to practice massage therapy?

A: Your license expires the day after your anniversary date of licensure. There is no grace period in our law. You must have an active license to practice massage therapy and all applications, including online applications must go before the Board for approval prior to the renewal date.

201 KAR 42:040, Section 3 states “If payment and complete information are not received by the Board on or before the anniversary date of the issuance of the license, the license shall expire and the person shall not practice nor represent themselves as a massage therapist in Kentucky”.

To learn when the next Board meeting is, you can check the board meeting dates at <http://bmt.ky.gov> by clicking the Quick Link on the Home. Then schedule your application accordingly. For example, if your renewal date is March 1, your renewal application must be approved at the February meeting to maintain an uninterrupted license.

Q: My application was received in the Board office but the Board has not had the meeting to approve pending applications. Can I still practice?

A: Renewals must be approved by the Board and you must have an active license in order to practice legally in Kentucky. Licensees are encouraged to apply for renewal 60 days in advance of the expiration date.

Q: Can I renew my license online if it is after the renewal date?

A: No. The online system will not accept late renewals. If you are late, you must mail your application and submit a late renewal fee. The renewal fee for a license which has been expired up to 60 days, is one hundred and fifty dollars (\$150.00). If you are renewing 61-90 days after expiration, the renewal fee is two-hundred dollars (\$200.00).

LICENSE DISCIPLINE & DENIAL

Q: Under what grounds may the Board refuse to issue a license?

A: The Board may deny or refuse to renew a license when the licensee has engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public.

The Massage Therapy statute describes unprofessional conduct to include any of the following:

- (a) Obtaining or attempting to obtain a license by fraud, misrepresentation, concealment of material facts, or making a false statement to the Board;
 - (b) Being convicted of a felony in any court if the act or acts for which the licensee or applicant for license was convicted are determined by the Board to have a direct bearing on whether the person is trustworthy to serve the public as a licensed massage therapist. "Conviction," as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere in a court of law;
 - (c) Violating any lawful order or administrative regulation promulgated by the Board;
 - (d) Violating any provision of this chapter or administrative regulations promulgated thereunder;
 - (e) Having sexual contact as defined by KRS 510.010(7) with a client or having engaged or attempted to engage in lewd or immoral conduct with any client or patient;
 - (f) Engaging in fraud or material deception in the delivery of professional services, including reimbursement or advertising services, in a false or misleading manner;
 - (g) Evidence of gross negligence or gross incompetence in the practice of massage therapy; or
 - (h) Violating the standards of practice or the code of ethics as promulgated by administrative regulation.
- KRS 309.362

In addition to denial of a license, the Board may take other actions. The Board may suspend or revoke a license, may issue an administrative reprimand, or may impose probationary conditions or fines not to exceed five hundred dollars (\$500).

Q. Can my license application be denied due to a criminal conviction?

A: License applications that are filed with the Board that indicate previous criminal actions are handled on a case-by-case basis. If you have a past criminal record, it must be reported on the Application Form. If it is a felony, you must attach an explanation and official court documents showing the disposition of the case. If the conviction involves a misdemeanor, you must attach an explanation and a copy of official court documents showing the disposition of the case. Documents are not required if the

conviction involves a minor traffic violation not involving drugs or alcohol. Lack of full disclosure regarding the issue at the time of your application filing may result in delays in processing or denial.

Q: If my application is denied, do I have the right to appeal the Board's decision?

A: If your license application has been denied, you may appeal the Board's decision by submitting a written request for appeal within thirty (30) days of the denial in accordance with KRS 309.362(4).

INACTIVE LICENSE STATUS

Q: What are the differences between an active license and an inactive license?

A: An active licensee may practice massage therapy and is called a licensed massage therapist or L.M.T. An individual who holds an inactive license is NOT entitled to use the title licensed massage therapist and may not engage in the practice of massage therapy. However, an individual who holds an inactive license may be reinstated to active status by merely showing evidence of the appropriate continuing education and paying the required fees, provided fewer than five years have elapsed since holding an active license.

Q: When is it useful to move to inactive status?

A: If you are unable to practice and earn continuing education hours for a period of time, it may be useful to choose inactive status. Our law states that "Any licensed massage therapist who does not desire to meet the qualifications for active license renewal shall, upon application and payment of an inactive renewal fee, be issued an inactive license. The license shall not entitle the license holder to use the term "licensed massage therapist" nor to engage in the practice of massage therapy".

It is unnecessary to state a reason for moving to inactive status.

Q: What is the fee structure for inactive status?

A: Inactive licensees must renew annually, instead of biannually and the fees are as follows:

The fee for an inactive license is \$35.00 per year.

The fee for a late inactive renewal between 1-60 days is \$52.50 per year.

The fee for 61-90 days late is \$70.00 per year.

The application fee for moving from inactive status to active status is \$50.00 and shall not be prorated.

Q: What is the process for moving from active status to inactive status?

A: A licensee must hold an active license in order to apply for inactive status. To request inactive status, on the Renewal Form, check inactive status, include the inactive status fee, and mail the application.

Q: Will my renewal date for an inactive license be the date I went inactive or the original date of issue of my license?

A: The annual renewal date for an inactive license shall remain the original date of issue for the license.

Q: What are the continuing education (CE) requirements for inactive status?

A: There are no annual requirements for continuing education while you hold an inactive license. However, in order to regain active status, you must show evidence of completing one (1) hour of continuing education for each month the license has been inactive, not to exceed five years (60 months).

Waivers or extensions of continuing education requirements may be approved at the discretion of the Board.

Q: How long may I remain inactive?

A: You may hold an inactive license for up to five years. Beyond five (5) years the licensee shall meet the requirements for an initial license in order to secure an active license. KRS 309.358

Q: Can I change status at any time or do I need to wait until it is time to renew?

A: A person holding an inactive license may reapply for active status at any time. There is a \$50.00 application fee for moving a license from Inactive status to Active status. The fee may not be prorated. The anniversary renewal date established at the time the original license was issued, will remain the licensee's renewal date.

Q: What is the process for moving from inactive status to active status?

A: Before returning to active status, the licensee must:

- a. Provide proof of continuing education as required by KRS 309 362(3);
- b. Complete the Application for Renewal;
- c. Pay the fee for active status fee as prescribed in KAR 42:020, Section 2(7);
- d. Receive Board approval.

COMPLAINTS AGAINST UNLICENSED INDIVIDUALS

Q: Who can initiate a complaint against an unlicensed individual?

A: A complaint can be initiated by an individual, a state or government agency, a member of the massage therapy profession, or the Board per 201 KAR 42:050, Section 2.

Q: Can a complaint against an unlicensed individual be initiated anonymously?

A: Yes, complaints filed against unlicensed individuals can be submitted to the Board anonymously provided the complaint form is completed and submitted with some form of evidence, i.e. photo of a business sign with the name of the massage therapist, business card, advertisement, and a statement explaining the circumstances and reason for the complaint.

Q: I see numerous advertisements in newspapers and other media for massage therapy by unlicensed individuals. May I submit copies of this information to the Board for appropriate action?

A: Yes. As stated in KRS 309.353(4), “Any advertisement or sign to induce the public into believing that one is a massage therapist shall be prima facie evidence of a violation of this section if the person making the advertisement or displaying the sign is not licensed to practice massage therapy in accordance with KRS 309.350 to 309.364”.

The Board encourages the public to report unlicensed practice. It is requested that you verify that the person is indeed unlicensed by checking the online licensure verification at <http://bmt.ky.gov> and complete the complaint form before submitting the advertisements to the Board office for action. According to 201 KAR 42:060, Section 1 (5) the LMT has an ethical obligation to report unlicensed practice and states that a Licensed Massage Therapist shall “make every reasonable effort to report unlicensed practice of massage therapy to the Board”.

Keep in mind that each situation is handled on a case-by-case basis.

COMPLAINTS AGAINST LICENSED THERAPISTS

Q: I have a complaint and I would like to file against a licensed massage therapist. What is the procedure for filing a complaint?

A: You may file a complaint with the Board by submitting the required complaint form found at <http://bmt.ky.gov>.

Once the complaint has been filed, a copy of the complaint will be submitted to the L.M.T. in question, for a response. Once this response has been received, the complaint and the response will be reviewed by the Complaint Committee at its next regularly scheduled meeting and the committee will determine what action will be taken.

Q: Can a complaint against an LMT be initiated anonymously?

A: Anonymous complaints against licensed massage therapists are handled on a case-by-case basis. For complaints against licensed therapists, it is strongly recommended that the standard complaint procedure be followed.

Q: May I review copies of complaints and disciplinary actions taken by the Board?

A: Complaints and Board actions are all subject to the Open-Records laws in Kentucky. You may request copies of closed complaints and/or disciplinary actions by submitting a written request to the Board office. (Please be advised that a small fee will be charged for the cost of the copies.)

Disciplinary actions are published in the annual Board Newsletter, along with other informative, board related information.

OPEN MEETING ACT

Q: What is the Kentucky Open Meetings Act?

A: The Kentucky Open Meetings Act, codified as KRS 61.805—61.850, sets forth the conditions by which the public's business is to be conducted.

"Meeting" means all gatherings of every kind, including video teleconferences, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings held in anticipation of or in conjunction with a regular or special meeting. KRS 61.805(1).

The law applies to every state or local government agency and groups or committees created by the agencies. KRS 61.805(2)

Q: What are the general requirements of the Open Meetings Act?

Time and place of meetings. All meetings must be held at specified times and places which are convenient to the public. Public agencies should provide for a schedule of regular meetings by ordinance, order resolution, bylaws, or by other means. This schedule of regular meetings must be made available to the public. Our Board publishes meeting dates on our website at <http://bmt.ky.gov>.

Minutes of meetings. Public agencies must keep minutes of action taken at every meeting which set forth an accurate record of votes and actions taken. These minutes must be open for inspection by the public no later than the conclusion of the agency's next public meeting.

Public attendance at meetings. To the extent possible, meeting room conditions should allow for effective public observation of meetings.

No person attending the meeting can be required to identify himself in order to attend a meeting.

The agency cannot place conditions on attendance of the public at a meeting other than the conditions required to maintain order.

Since the General Assembly has not established procedural rules for the conduct of meetings and citizen participation, each agency must adopt its own rules of procedure, but those rules cannot conflict with the Open Meetings Act.

Policy On Sharing Board Information:

The Board speaks through its minutes and any other official written documents and no one member can speak for the Board unless appointed by the Board to speak on their behalf. Members shall refrain from speaking to the public in a way that may misrepresent Board actions. Board members shall refrain from interpreting policy or talking to the public about issues that may come before the Board. Board members may be called upon by the Board staff or counsel and in these cases, communications are acceptable.

ADDITIONAL QUESTIONS?

Q: Where can I address additional questions?

Any additional questions may be addressed directly to the Board by emailing the Board Administrator at Carolyn.benedict@ky.gov. You may also submit questions to the Board via standard mail. Please submit these to:

The Kentucky Board of Licensure for Massage Therapy
P.O. Box 1360
Frankfort, Kentucky 40602